

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT STOUD,	:	
	:	
Plaintiff	:	CIVIL ACTION - LAW
	:	
v.	:	
	:	
SUSQUEHANNA COUNTY,	:	NO. 3:17-CV-2183-MEM
	:	
Defendant	:	

RESPONSE TO THE MOTION TO COMPEL OF PLAINTIFF, ROBERT
STOUD FOR THE ORAL DEPOSITIONS OF SUSQUEHANNA COUNTY
COMMISSIONERS ELIZABETH ARNOLD AND ALLEN HALL

Defendant, Susquehanna County, through its attorneys, Kreder Brooks
Hailstone LLP, hereby makes the following Response to Plaintiff's Motion to
Compel.

1. On July 23, 2020, Plaintiff requested, via phone call, concurrence in a
limited re-opening of discovery regarding allegations contained in a
complaint filed by the former Susquehanna County Solicitor, Michael

Giangrieco.

2. Defense counsel initially concurred in the request and expected to review the Motion prior to its filing.
3. Plaintiff did not provide a copy of the proposed Motion prior to its filing.
4. An order was issued the same day of the filing of the Motion, July 27, 2020.
5. Sixteen days after the Order was issued, Plaintiff emailed Defense Counsel at 7:26 p.m. with suggested dates for the depositions of Susquehanna County Commissioners Elizabeth Arnold and Allen Hall.
6. The following day, August 13, 2020, Defense Counsel emailed Plaintiff and indicated that Susquehanna County would not waive Attorney-Client Privilege and requesting specific areas of inquiry.
7. Plaintiff indicated that the inquiry would revolve around former County Solicitor “Giangrieco’s complaint and the deponent’s own knowledge of matters related to Giangrieco’s complaint.” See, Plaintiff Motion to Compel ¶ 9.
8. The inquiry sought by Plaintiff would require not only the waiver of the County’s Attorney-Client Privilege between it and Attorney Giangrieco, but also the waiver of the Attorney-Client Privilege between the County and outside defense counsel.

9. Giangrieco's complaint specifically references advice he provided as County Solicitor and references confidential information that was provided by the County's outside counsel.
10. The Susquehanna County Commissioners can not answer questions related to Giangrieco's complaint or questions regarding their own knowledge about the allegations in the complaint without waving Attorney-Client Privilege.
11. The attorney-client privilege, founded in common law, protects "confidential communications made between attorneys and clients for the purpose of obtaining or providing legal assistance to the client." In re Grand Jury Subpoena, 745 F.3d 681, 687 (3d Cir. 2014). This privilege is not limited to individuals, but extends to circumstances in which a government agency is the client and an interagency lawyer is the attorney. Accord NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 154 (1975).
12. Plaintiff's Motion to Compel should be dismissed as the inquiry he seeks to pursue would require Susquehanna County to waive Attorney-Client Privilege regarding advice provided both by its former Solicitor and outside counsel.

WHEREFORE, Defendant, Susquehanna County, respectfully request the Court to issue an Order precluding Plaintiff from deposing Commissioners Elizabeth Arnold and Allen Hall or any other Susquehanna County employee.

Respectfully submitted,

KREDER BROOKS HAILSTONE LLP

220 Penn Avenue, Suite 200
Scranton, PA 18503
(570) 346-7922

By /s/ A. James Hailstone
A. James Hailstone
Attorney I.D. #80055

CERTIFICATE OF SERVICE

AND NOW, this 19th day of August, 2020, A. James Hailstone, a member of the firm of Kreder Brooks Hailstone LLP, electronically filed the foregoing Response to the Plaintiff's Motion to Compel with the Clerk of the United States District Court for the Middle District of Pennsylvania using the CM/ECF system which sent notification of such filing to the following Filing Users at the following e-mail address(es):

Gerard M. Karam, Esquire
Mazzoni, Karam, Petorak & Valvano
321 Spruce Street, Suite 201
Scranton, PA 18503
570-348-0776
gkaram18@msn.com
ATTORNEYS FOR PLAINTIFF

/s/ A. James Hailstone

A. James Hailstone
Attorney I.D. #80055
Attorneys for Defendant